

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MICHAEL THAYYIL,)
Plaintiff,)
v.)
INDIANA STATE UNIVERSITY,)
INDIANA STATE UNIVERSITY BOARD OF)
TRUSTEES,)
JOHN DOES 1-25,)
Defendants.)
No. 1:21-cv-00165-JPH-MG

ORDER ON STIPULATION OF DISMISSAL

Plaintiff, Michael Thayyil, and Defendants, Indiana State University and Indiana State University Board of Trustees, have filed a joint stipulation of dismissal with prejudice, which requests that "the Court retain[] jurisdiction to enforce" their settlement agreement. Dkt. 36 at 1.

Ordinarily, a case resolved in federal court with a settlement agreement is dismissed with prejudice and enforcement is accomplished through a breach-of-contract action. *See Jones v. Ass'n of Flight Attendants-CWA*, 778 F.3d 571, 573 (7th Cir. 2015) ("A disagreement about whether parties to a settlement have honored their commitments is a contract dispute" that "arise[s] under state law."). Moreover, "a district judge cannot dismiss a suit with prejudice, thus terminating federal jurisdiction, yet at the same time retain jurisdiction to enforce the parties' settlement that led to the dismissal with prejudice." *Shapo v. Engle*, 463 F.3d 641, 643 (7th Cir. 2006); *see Depuy v. McEwen*, 495 F.3d 807, 809 (7th Cir. 2007).

The parties therefore **shall show cause by September 30, 2022**, why this case should not be dismissed with prejudice, allowing the settlement agreement to be enforced, if necessary, in a breach-of-contract action. *See Jones*, 778 F.3d at 573. If the parties want the Court to retain jurisdiction for enforcement of the settlement agreement, they must file a copy of the agreement, with a motion to maintain under seal if necessary, in addition to requesting dismissal without prejudice. *See id.* If the parties do not respond to this order, this case will be dismissed with prejudice under Federal Rule of Civil Procedure 41(a) and the Court will not retain jurisdiction.

SO ORDERED.

Date: 9/14/2022

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

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